

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION**

CASE NO.: 1:22-cv-22171-JEM

**MICHAEL FITZGERALD,
Individually, and YELANY DE VARONA,**

Plaintiffs,

v.

**RONDA MCNAE, individually, and
WILLIAM MCNAE, individually,**

Defendants.

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NOTIFICATION OF NINETY DAYS EXPIRING

Plaintiff, MICHAEL FITZGERALD (“Plaintiff”), by and through the undersigned counsel and pursuant to the Federal Rules of Civil Procedure and Southern District of Florida Local Rule 7.1(b)(4)(A), hereby files and serves this Notice of Ninety Days Expiring with respect to Plaintiff’s Motion for Partial Summary Judgment as to Liability [ECF 171], and in support hereof state as follows:

- (i) Plaintiff filed his Motion for Partial Summary Judgment as to Liability [ECF 171] on August 12, 2024, along with Plaintiff’s Statement of Material Facts in Support of Motion for Partial Summary Judgment as to Liability [ECF 172];
- (ii) Defendant Ronda McNae filed her Response in Opposition to the Motion for Partial Summary Judgment as to Liability on September 9, 2024 [ECF 191];
- (iii) Plaintiff filed his Reply in Support of his Motion for Partial Summary Judgment as to Liability on September 16, 2024 [ECF 201];
- (iv) On September 20, 2024, Defendant Moved for Leave to File Surreply [ECF 204]

which was granted on November 19, 2024 [ECF 247];

- (v) Defendant filed her Surreply on December 2, 2024 [ECF 251];
- (vi) There was no hearing held on Plaintiff's Motion for Partial Summary Judgment as to Liability.

In light of the foregoing docket entries and dates of service and filing, Plaintiff's Motion for Partial Summary Judgment as to Liability has been pending for ninety (90) days as of March 2, 2025. Southern District of Florida Local Rule 7.1(b)(4) provides that a party "shall file and serve on all parties and any affected non-parties within fourteen (14) days thereafter a 'Notification of Ninety Days Expiring'." Accordingly, Plaintiff respectfully submits this Notification and seeks any other relief this Court deems just and proper.

Dated: March 3, 2025

Respectfully submitted,

ASSOULINE & BERLOWE, P.A.

Miami Tower

100 S.E. 2nd Street, Suite 3105

Miami, FL 33131

Telephone: (305) 567-5576

Facsimile: (305) 567-9343

By: /s/ Meredith J. Gussin

Peter E. Berlowe, Esq., FBN: 143652

peb@assoulineberlowe.com

Meredith J. Gussin, Esq., FBN: 512303

mjg@assoulineberlowe.com

Attorney for Plaintiff Michael Fitzgerald